

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Hans-Peter Hein**

Serial No.: **10/578,086**

Examiner: **J. Smalley**

Filing Date: **March 7, 2008**

Art Unit: **3781**

For: **PLASTIC COATING OF THE END-INNER AREA OF A CAP**

Docket No.: **D4695-00153**

Customer No.: **08933**

REQUEST FOR REFUND OF OFFICIAL FEE
ERRONEOUSLY CHARGED BY PTO

Office of Finance
Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

Applicant requests that the official fee for submission of an Information Disclosure Statement ("IDS") erroneously charged by the PTO to Deposit Account No. 04-1679 on November 25, 2011, be refunded. Specifically, applicant requests that \$180.00 be credited to said Deposit Account 04-1679.

An Election/Restriction was issued on August 22, 2011, and a formal Response to said Election/Restriction was submitted via EFS on November 18, 2011, along with payment of the fee for a two-month extension in the amount of \$560.

Thereafter, an IDS was submitted on November 25, 2011. The IDS was timely as it was filed prior to issuance of a first substantive official action. Therefore, no fee was required.

The IDS (on its face dated November 21, 2011) specifically stated that it was submitted before a first Office Action on the merits citing 37 C.F.R. § 1.97(b). The IDS also stated that no fee was required.

The foregoing demonstrates that the \$180.00 charged by the PTO on November 25, 2011, was erroneous. No additional payment should have been required.

This request for refund is timely. Applicant requests that \$180.00 be promptly credited to Deposit Account No. 04-1679.

Respectfully submitted,

Dated: December 5, 2012
Atty. Ref.: D4695-00153

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